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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
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In the Matter of

Policies and Rules Concerning)
Children's Television Programming)
Revision of Programming Policies) MM Docket No. 93-48
for Television Broadcast Stations)

To: The Commission

REPLY COMMENTS OF
THE NATIONAL ASSOCIATION OF BLACK OWNED BROADCASTERS

The National Association of Black Owned Broadcasters, Inc. ("NABOB"), by its attorneys, hereby submits its Reply Comments in the above-captioned proceeding (the "NPRM"). NABOB supports the Commission's effort to clarify its policies regarding children's television programming. NABOB also believes that television broadcasters are currently providing the substantial amount children's programming that was contemplated by the Children's Television Act (the "CTA"). Because television broadcast stations have been adequately serving children by delivering a substantial quantity of quality children's television programming, NABOB submits that any revision to the Commission's children's television rules should be limited to providing licensees and the public with clearer guidelines to enable licensees and the public to assess whether a licensee is meeting its obligations under the CTA.

As the trade association representing the interests of African American owners of television stations, NABOB is particularly aware of the need for increased educational resources for children in minority communities. NABOB member stations recognize their obligations to serve the

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educational needs of children viewing their stations, and are committed to the goals of the Children's Television Act. NABOB member stations are already taking steps to assure that they provide programming to meet the educational needs of their children viewers. However, to the extent the Commission concludes that the television industry as a whole must do more, NABOB member stations support the Commission's objectives.

The NPRM specifically requests comments on the three possible courses of action enumerated in the NPRM. NABOB believes that the second course of action, the establishment of "safe harbor" guidelines, would best serve the public interest. Specifically, NABOB submits that, should the Commission decide to take any action to further effectuate the CTA, it should limit its actions to issuing a policy statement defining the types of "core programming" required by the Children's Television Act and establishing "safe harbor" quantitative processing guidelines setting a minimum quantity of "core programming" that a licensee should provide to its viewing audience. This policy statement would allow broadcasters to know clearly that they are in compliance with the CTA and would assure that the television audience would be provided with a sufficient quantity of the programming contemplated by the CTA.

NABOB submits that the issuance of a policy statement, similar to that suggested in the Comments provided by the Association of Independent Television Stations, (the "INTV") (See, Comments of the Association of Independent Television Stations, Inc., MM Docket No. 93-48, at pp. 37-43 (Submitted October 16, 1995) (the "INTV Comments")), would aid television broadcast stations by providing a clearer definition of the quality and quantity of children's television programming a broadcast television station should provide in order to comply with the requirements of the CTA. Through the issuance of a policy statement, the Commission would not be requiring

stations to adopt or implement any of the policies or practices listed. Instead, the adoption of the policies and practices by the station would be considered during the Commission's review of the station's license renewal application and would constitute clear evidence of the station's compliance with the CTA. By taking this form of action, the Commission avoids the pitfalls of attempting to regulate the precise content of television stations' programming, while assuring that television stations broadcast the quality and quantity of children's television programming that is contemplated by the CTA.

NABOB also agrees that the "safe harbor" processing guidelines should include a definition for "core programming" to be measured under the "safe harbor" guidelines. NABOB submits that "core programming" should include, in addition to regularly scheduled programs, specials, short-segment programming, and any other programming which "furthers the child's intellectual/cognitive or social/emotional needs." The Commission might also require as to "core programming" that (1) the station specifies the educational objective of the program in its children's programming report; (2) the program is aired between the hours of 6:00 a.m. and 11:00 p.m.; and/or (3) the program is identified as educational children's programming at the time it is aired and instructions for listing it as educational programming are provided by the licensee to programming guides.

This proposal would also provide parents with much needed information about available educational programming for children and aid them in promoting positive viewing habits for their children.

In its policy statement, the Commission could establish that television stations that broadcast at least two hours of such "core programming," per week, would be deemed to have satisfied the requirements of the Children's Television Act. .

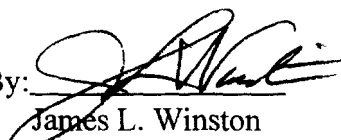
NABOB also submits that television stations that broadcast a substantial quantity of children's television programming that does not qualify as "core programming" under the Commission's rules, should not be forced to abandon their children's television programming to qualify for "safe harbor" protection. Accordingly, NABOB suggests that the Commission recognize the educational contribution to children made by this "non-core" children's television programming and establish that television stations that broadcast at least three hours of such "non-core" programming, as well as one hour of "core programming" per week, would also be deemed to have satisfied the requirements of the Children's Television Act.

The implementation of this policy statement would provide broadcast television stations with the flexibility to respond to local needs and interests while allowing the Commission to assure that the policies of the CTA are followed.

NABOB submits that the above proposal strikes a reasonable balance between avoiding infringement of the First Amendment rights of broadcasters and achieving the objectives of the Children's Television Act.

Respectfully Submitted,

**THE NATIONAL ASSOCIATION OF
BLACK OWNED BROADCASTERS, INC.**

By: 
James L. Winston
Darrin N. Sacks
Rubin, Winston, Diercks,
Harris & Cooke
1333 New Hampshire Avenue, N.W.
Suite 1000
Washington, D.C. 20036
(202) 861-0870

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